

DOCKET NO: 261088US0

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
NAVROZ BOGHANI, ET AL. : EXAMINER: GEORGE, K. M.
SERIAL NO: 10/719,298 :
FILED: NOVEMBER 21, 2003 : GROUP ART UNIT: 1616
FOR: DELIVERY SYSTEM FOR ACTIVE :
COMPONENTS AS PART OF AN EDIBLE
COMPOSITION HAVING PRESELECTED
TENSILE STRENGTH

RESPONSE TO THE REQUIREMENT FOR RESTRICTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Requirement for Restriction mailed April 5, 2007, Applicants elect, with traverse, Group I: Claims 1-37, 47, 63-70 and 88-91, drawn to a delivery system.

Applicants request that the Examiner expand the search to the non-elected claims of Groups II-IV, if the elected Group I claims are found allowable.

Remarks/Arguments begin on page 2 of this paper.

REMARKS/ARGUMENTS

The Examiner is requiring restriction to one of the following groups:

- Group I: Claims 1-37, 47, 63-70 and 88-91, drawn to a delivery system;
- Group II: Claims 38-46, 48 and 58-62, drawn to method of target delivery;
- Group III: Claims 49-57, drawn to method of selecting; and
- Group IV: Claims 71-87, drawn to chewing gum.

Applicants hereby elect Group I, Claims 1-37, 47, 63-70 and 88-91, drawn to a delivery system, with traverse, on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctiveness between the identified groups. Also, it has not been shown that a serious burden exists in searching the claims of the four groups.

Moreover, the M.P.E.P. at § 803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement.

Withdrawal of the Restriction Requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice of such action is earnestly solicited.

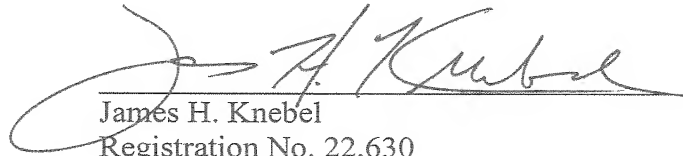
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)



James H. Knebel
Registration No. 22,630